

III. REMARKS

Claims 1-10 are pending in the present application. By this Amendment, claims 1, 6 and 10 have been amended. No new matter is believed added.

Claims 1-3, 5-7, 9 and 10 are rejected under 35 U.S.C. 103(a) over Applicants' alleged admitted prior art, hereafter "AAPA," in view of Davis et al. (US 6,611,607), hereafter "Davis," and further in view of Liao et al. (US 6,654,479), hereafter "Liao." Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over AAPA in view of Davis, and further in view of Liao, and further in view of Hayashi (U.S. 2003/0161496), hereafter "Hayashi." These rejections are defective because the cited references, taken alone or in any combination, fail to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

Regarding independent claim 1 (and similarly independent claims 6 and 10), the Examiner alleges that Applicants' Art "discloses a method of embedding a watermark in an information signal, comprising means for embedding said watermark in successive portions of the information signal." The Examiner further asserts that Applicants' Art "does not explicitly disclose embedding different versions of watermark and said versions being different with respect to a property which is irrelevant for detection of said watermark." To overcome this glaring deficiency, the Examiner relies on the disclosure of Davis. In particular, the Examiner alleges that Davis discloses that "different watermarks can be embedded into different frames using different transformations (Davis: column 6 lines 16-26)." The Examiner attempts to combine Applicants' Art and David by stating that "[i]t would have been obvious ... to combine the teachings of Davis within the system of AAPA because it increases security of data using different watermarks on different portions of the information signal thus making it more difficult to analyze watermark patterns." Applicants disagree with the Examiner's analysis of Davis.

In claim 1, different versions of the **same watermark** are embedded in successive portions of an information signal. In Davis however, the embedder locates **different watermark messages** in different temporal portions of a time varying signal such as audio or video, **different watermark messages** in different spatial portions of images, graphical models, or video frames, or **different watermark messages** in different transform domains (e.g., Discrete Fourier Transform, Discrete Cosine Transform, Wavelet transform, etc.) of image or audio signals.” (Column 6, lines 16-26). Clearly, therefore, Davis discloses the use of different watermarks rather than **different versions of the same watermark** as claimed.

Davis also fails to teach or suggest the use of different versions of the same watermark, “wherein each version has **different magnitudes of Fourier coefficients which are not used for detection of said watermark.**” See amended claim 1 and similarly in independent claims 6 and 10. This feature was not specifically addressed by the Examiner. In particular, the Examiner has alleged that while Davis discloses Fourier transformation (Col. 6, lines 16-26) (Office Action, page 4, item 5), that Liao provides for randomizing the coefficients to generate different watermarks (Col. 1, line 64 – Col. 2, line 6) (Office Action, page 3, item 4). *Assuming arguendo* that Liao does provide for computing a set of random numbers, there is no suggestion in Davis as to why one of ordinary skill in the art would combine Liao with the teachings in Davis. It appears that the Examiner is merely applying an improper hindsight analysis in creating an equivalent to the claimed invention via the cited combination of AAPA, Davis, and Liao.

Accordingly, since the cited references, taken alone or in any combination, fail to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a), Applicants respectfully submit that claims 1-10 are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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